

**BOARD OF WATER AND SOIL RESOURCES
JIMMY'S CONFERENCE CENTER
3565 LABORE ROAD, GARDEN ROOM
VADNAIS HEIGHTS, MINNESOTA 55110
THURSDAY, AUGUST 28, 2014**

BOARD MEMBERS PRESENT:

Joe Collins, Jill Crafton, Jack Ditmore, Doug Erickson, Christy Jo Fogarty, Kathryn Kelly, Tom Landwehr, DNR; Tom Loveall, Terry McDill, PCA; Brian Napstad, Neil Peterson, Tom Schulz, Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Rob Sip, MDA;

BOARD MEMBERS ABSENT:

Chris Elvrum, MDH
Sandy Hooker

STAFF PRESENT:

Mary Jo Anderson, Steve Christopher, Dan Fabian, Jim Haertel, John Jaschke, Al Kean, Dale Krystosek, Ben Meyer, Mary Peterson, Ron Shelito

OTHERS PRESENT:

Ian Cunningham, MASWCD
Jessica Pilarski, Washington County
Lowell Johnson, Washington County
David Brummel, Washington County

CALL MEETING TO ORDER – Chair Napstad called the meeting to order at 9:03 a.m.

PLEDGE OF ALLEGIANCE

**** 14-48** **ADOPTION OF AGENDA** – Moved by Kathryn Kelly, seconded by Jill Crafton, to adopt the agenda as presented. ***Motion passed on a voice vote.***

**** 14-49** **MINUTES OF JUNE 25, 2014 BOARD MEETING** – Moved by Tom Schulz, seconded by Jill Crafton, to approve the minutes of June 25, 2014 as circulated. ***Motion passed on a voice vote.***

INTRODUCTION OF NEW EMPLOYEE - Jim Haertel introduced Ben Meyer, Wetland Specialist in the metro area. Chair Napstad welcomed Ben to BWSR.

REPORTS

Chair & Administrative Advisory Committee – Brian Napstad reported that the Administrative Advisory Committee did not meet yesterday. Chair Napstad stated that reassignments to BWSR Committees have been made due to Judy Ohly's resignation from the Board. Chair Napstad thanked board members for serving on Committees.

Chair Napstad thanked Anoka Conservation District, Rice Creek Watershed District, and Coon Creek Watershed District for hosting the tour in the metro area. Chair Napstad thanked Jim Haertel and Mary Jo Anderson for a successful tour of the metro area; he also thanked John Jaschke and the metro region staff involved in the BWSR summer tour.

Chair's Report – Chair Napstad reported that he attended the Environmental Quality Board (EQB) meeting on August 20 in Duluth at the City Council Chambers. Don Ness, Mayor of Duluth; and Lt. Governor Yvonne Prettner Solon were in attendance. The EQB meeting theme was climate change on Lake Superior and ecology in the area. Nelson French, MPCA; and Dr. Lee Frolich, U of M; presented information regarding the climate change impact on forestry, flood recovery, restoration, redevelopment potential for the City of Duluth. Also discussed how to engage FEMA for improvement of other standards for design, for repair and replacement of flood damaged infrastructure. Chair Napstad stated the importance of meeting statewide to address issues in the area; a very informative meeting.

Executive Director's Report – John Jaschke thanked BWSR staff for their involvement in the Board tour yesterday. John reported that the Governor's Office is reviewing applications for the BWSR's citizen member vacancy. John reviewed information in the board members' packets. John reported that the Presidential flood disaster declaration does not have state funding to address the 37 counties affected by flooding to existing practices and projects. A special legislative session is yet to be determined.

John reported that he held meetings with ten SWCD lead staff statewide to discuss the opportunity for shared services; Clean Water Fund work; WCA; and recruiting high quality staff. John will share the input received. A CREP meeting is being scheduled with USDA to discuss pilot project status before a formal application is submitted. Chair thanked John for meeting statewide with SWCDs.

Dispute Resolution Committee – John Jaschke reported that there are 14 appeals pending. All appeals involve WCA, except one. One new appeal has been filed since the May report; an appeal of duplicate restoration orders in Otter Tail County regarding alleged drainage alterations to a wetland.

John provided a status report of active PRAP assistance grants. A projected spending of about \$32,000 of \$50,000 allocated for FY 14. There are three active grants (Sauk River WD, Heron Lake WD, Koochiching

SWCD for assistance to North St. Louis SWCD). The Koochiching SWCD grant is essentially completed with just the final payment to be made, which will bring the total of that grant to \$10,000 expended. There are two applications in progress: Nicollet SWCD is nearly executed and East Ottertail has just started processing.

Grants Program & Policy Committee – Steve Sunderland reported that the Grants Program & Policy Committee will meet later this fall; date to be determined.

Water Management & Strategic Planning Committee – Jack Ditmore reported that the Water Management & Strategic Planning Committee will meet on September 23, 5:30 - 7:00 p.m.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on July 31. Tom provided a summary of key discussion topics. Al Kean highlighted demonstration projects that BWSR is significantly involved in. The EPA proposed rule defining Waters of the U.S. protected under the Clean Water Act comment period is open until September 30. The next meeting of the Drainage Work Group is September 11, 12:30 – 3:30 p.m., at the Minnesota Farm Bureau Building in Eagan. Chair Napstad thanked Tom and Al for their report.

COMMITTEE RECOMMENDATIONS

Metro Committee

Bassett Creek Watershed Management Commission Plan Amendment – Steve Christopher reported that the final draft Amendment to the Bassett Creek Watershed Management Commission Watershed Management Plan was filed with the Board on June 7, 2014. The Amendment proposes to revise the Commission's current implementation program by adding one capital improvement project. The total estimated project cost ranges from \$1,319,000 to \$1,659,000. The Order contains the reviewing agencies' comments and the Commission's response to them. The Metro Region Committee met on August 7, 2014; and recommends approval of the Plan Amendment. Moved by Joe Collins, seconded by Faye Sleeper, to approve the Bassett Creek Watershed Management Commission Plan Amendment. ***Motion passed on a voice vote.***

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14-50

Washington County Groundwater Plan – Mary Peterson introduced representatives of Washington County Jessica Pilarski, Lowell Johnson, and David Brummel. Mary reported that the Washington County Groundwater Plan was filed with the Board on June 18, 2014. Development of a county groundwater plan is voluntary under the Metropolitan Surface Water Management Act. The County appointed a Groundwater Advisory Committee and a Technical Advisory Committee to begin developing the Plan in 2012. These committees met several times throughout the 2012 and 2013 planning process. Local and state agencies were actively involved throughout the planning process. The state agencies provided final review. The Plan is in conformance with the requirements of Minnesota Statutes Section 103B.255. Mary reported that Washington County requested submittal of corrections to the Plan which were included. The Metro Region Committee met on August 7; unanimously recommends the Plan be approved. Moved by Joe Collins, seconded by Christy Jo Fogarty, to approve the Washington County Groundwater Plan. Joe Collins stated that this is a good plan, difficult, and complex; he commended Washington County for their good work. Joe suggested that BWSR consider the value of mandatory groundwater plans in the metro area; highlighting the need for water use; as statutory change. Rob Sip commended the accountability in Appendix B of the Groundwater Plan Measures. Chair Napstad thanked Washington County for their efforts. John commented on the well developed structure of the Plan, which can be used as a template for others. Discussion followed. Mary reported that Washington County's implementation framework is instrumental in moving forward. ***Motion passed on a voice vote.*** Chair Napstad thanked Washington County representatives for the excellent Plan.

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14-51

Chair Napstad called for a break in the meeting at 10:35 a.m. The meeting reconvened at 10:50 a.m.

Northern Region Committee

Tom Schulz requested changing the order of agenda items to be presented; the Lake County Priority Concerns Document before and the City of International Falls Comprehensive Wetland Protection and Management Plan. Chair Napstad approved the request to change the order of agenda items.

- Cook County Local Water Management Plan** – Ron Shelito reported that the Northern Region Committee met on July 9, 2014, reviewed the Cook County Local Water Management Plan and agency comments. Ron stated that the power point presentation from Cook County was excellent. The Northern Region Committee recommends approval of the Cook County Local Water Management Plan for a 10-year period ending August 28, 2024. The current Cook County Local Water Management Plan was extended two years and expires October 26, 2014; with amendments completed by August 28, 2019. Moved by Tom Schulz, seconded by Kathryn Kelly, to approve the Cook County Local Water Management Plan, August 28, 2014 to August 28, 2024; with the Executive Summary, Goals, Objectives and Action Items amended by August 28, 2019. **Motion passed on a voice vote.**
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14-52

- Lake County Priority Concerns Scoping Document** – Ron Shelito reported that Lake County submitted the Priority Concerns Scoping Document for state review and comment as part of updating their Local Water Management Plan. The Northern Region Committee met July 9, 2014, concurs with the Lake County priority concerns and recommends approval of the Lake County Priority Concerns Scoping Document. Moved by Tom Schulz, seconded by Doug Erickson, to approve the Lake County Priority Concerns Scoping Document. **Motion passed on a voice vote.**
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14-53

- City of International Falls Comprehensive Wetland Protection and Management Plan** – Ron Shelito introduced Dale Krystosek, BWSR senior wetland specialist and project leader. Ron stated that a comprehensive wetland plan is different than a water plan. Dale reported that the City of International Falls has submitted their first Comprehensive Wetland Protection and Management Plan to BWSR for review and approval. Dale presented highlights of the Plan and reported that the Northern Region Committee met on July 9, 2014, to review the Plan. Based on the comments received and staff review of the Plan, the Northern Region Committee recommends approval of the 10-year period of International Falls Comprehensive Wetland Protection and Management Plan. John Jaschke thanked staff for their efforts in building a good working relationship with the City of International Falls to generate this Plan. Ron stated that working together and good compromise can make things happen. Dale stated that International Falls will be tracking wetland protection, they will continue to report to BWSR. Ron stated that close attention and interaction will continue. Discussion followed. Jill Crafton commended Dale on this work. Moved by Tom Schulz, seconded by Jill Crafton, to adopt the City of International Falls Comprehensive Wetland Protection and Management Plan. Jack Ditmore asked for a friendly amendment, on page 2, #3. last sentence, 'City' replaces 'District'. Friendly amendment accepted by Tom Schulz. Dale stated that the U.S. Army Corps of Engineers is in agreement with the Plan; the City ordinance is necessary, then execution of the Plan. **Motion passed on a voice vote.**
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14-54

Southern Region Committee

- Lincoln County Comprehensive Local Water Management Plan Extension Request** – Kathryn Kelly reported that Lincoln County currently has a Comprehensive Local Water Management Plan that will expire on August 31, 2014. On July 15, 2014, Lincoln County approved and submitted a formal request for an extension of their current Plan. BWSR staff has reviewed this request and recommends approval. The Southern Region Committee met on August 7, 2014 and recommends approval. The state's expectations for the extension request must be sent to Lincoln County. Move by Kathryn Kelly, seconded by Steve Sunderland, to approve the extension of the Lincoln County Comprehensive Local Water Management Plan. **Motion passed on a voice vote.**
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14-55

Pipestone County Comprehensive Local Water Management Plan Extension Request – Kathryn Kelly reported that on July 22, 2014, Pipestone County approved and submitted a formal request for an

** extension of their current Plan, expiring on August 25, 2014. BWSR staff reviewed the request and recommends approval. The Southern Region Committee reviewed the extension request at their meeting August 7, 2014 and recommends approval. The state's expectations for the extension request must be sent to Pipestone County. Moved by Kathryn Kelly, seconded by Neil Peterson, to approve the extension of the Pipestone County Comprehensive Local Water Management Plan until December 31, 2015. Pipestone shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Jack Ditmore expressed concern for counties seeking extensions without clear evidence of the formal agreement of 1W1P, effective participation in WRAPs, or plan synchronization. An extension is not an automatic issue that happens; he would like staff to work with the county before it expires; a year or so lead time. He encourages committee chairs to pay close attention to the expiration dates, transition, and technical concerns.

Kathryn stated that she has been in contact with Jeff Nielsen regarding his agreement for staff to work with counties. Ian Cunningham, Vice President of MASWCD, stated that Pipestone County is trying to synchronize water planning; 1W1P is being discussed in the County, working in coordination with Yellow Medicine County rather than duplication of efforts. Tom Loveall stated that extensions need to be legitimate; an opportunity to evolve, not to extend for no reason. Steve Sunderland agreed with board members' concerns for the extensions. Jack thanked the Board for the opportunity to address his concerns.

14-56 **Motion passed on a voice vote.** Jack Ditmore opposed.

** **Rice County Comprehensive Local Water Management Plan Extension Request** – Kathryn Kelly reported that Rice County currently has a Comprehensive Local Water Management Plan that will expire in December 2014. On June 23, 2014, Rice County approved and submitted a formal request for an extension of their current Plan. BWSR staff has reviewed this request and recommends approval. The Southern Region Committee reviewed the extension request at their meeting August 7, 2014 and recommends approval. The state's expectations for the extension request must be sent to Rice County, to synchronize, update implementation schedule, and list accomplishments of last five years. Moved by Kathryn Kelly, seconded by Tom Schulz, to approve the Rice County Comprehensive Local Water Management Plan extension. Discussion followed. John Jaschke stated that the criteria and rationale identify that the Rice County extension is legitimate. The 1W1P is a pilot program in a transitional phase. **Motion passed on a voice vote.** Jack Ditmore opposed.

14-57

AGENCY REPORTS

Minnesota Department of Agriculture – Rob Sip distributed MDA's 'Drainage Recommendations for Local Water Management Plans' for board members' information. Discussion followed. Rob reported that he attended the Clean Water Council summer tour/meeting in August in Moorhead.

Minnesota Department of Natural Resources – Tom Landwehr reported that he's been attending meetings in Moorhead, with board member Gerald Van Amburg, and city officials from Moorhead and Fargo, regarding the Fargo/Moorhead Diversion. The two state effort with an upstream detention facility is a controversial issue between Minnesota and North Dakota regarding funding, representation, and with discussions in the media. DNR is in the middle of an EIS, trying to address concerns. Discussion followed.

Tom reported that the Land Exchange Board is meeting with Ecosystem Investment Partners to restore hydrology to create a wetland bank; consolidation of large projects; unique approach, good mitigation site. DNR's concern for private landowners; address this ahead of time, tax forfeit for large mitigation projects; an endowment should be set up for future taxes to the county. DNR's role is to consider sale of lands and authorize use of the wetland bank for a permit to mine.

Minnesota Extension Service – Faye Sleeper announced and distributed a brochure on “Building Minnesota’s Capacity for Climate Adaptation: Second Conference on Climate Adaption” November 6, in Minneapolis; on-line registration. Faye also announced the Water Resources Conference, October 14-15, at the RiverCenter in St. Paul.

Chair Napstad suggested inviting experts to a future Board meeting to present climate change and adaptation information.

Minnesota Pollution Control Agency – Terry McDill reported that MPCA is requesting comments on the WRAPS and TMDLs for the Mississippi River Lake Pepin Watershed; public comment period ends September 10, 2014.

ADVISORY COMMENTS

Chair Napstad reported that Annalee Garletz, Association of Minnesota Counties (AMC), is now with Met Council. BWSR has not yet been notified who the AMC representative will be.

Minnesota Association of Soil & Water Conservation Districts (MASWCD) – Ian Cunningham thanked BWSR for inviting he and LeAnn Buck to attend the tour yesterday. Ian announced MASWCD’s training of supervisors and lead staff, ‘Strengthening Your SWCD: Taking Charge of Strategic Direction’, September 10-11, in Baxter. MASWCD hosted the SWCD Tech Assistance Summit on June 11 in St. Cloud. Ian reported that legislation was introduced for capacity building. Chair Napstad thanked Ian for attending the meeting today.

UPCOMING MEETINGS

- Next BWSR Board Meeting – September 24, 2014

****** Moved by Kathryn Kelly, seconded Gerald Van Amburg, to adjourn the meeting at 12:23 p.m. **Motion**
14-58 ***passed on a voice vote.***

Respectfully submitted,



Brian Napstad
Chair